IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Crl.Rev.Pet.No. 562 of 1999()

CRA.166/1996 of SESSIONS COURT, THRISSUR
ST.433/1995 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR

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REVN. PETITIONER/APPELLANT/ACCUSED:

KUTTICHAN @ DEVASSY, S/O.KUNNUMPURATH KUTTICHAN,
PEECHI VILLAGE, KOMBAZHA DESOM, THRISSUR DIST.

BY ADV. SRI.O.RAMACHANDRAN NAMBIAR
SRI.K.S.BABU
SMT.N.SUDHA

RESPONDENTS/RESPONDENTS:

1.STATE OF KERALA, REP. BY SUB INSPECTOR OF POLICE,
PEECHI, CR.NO.4/95.

2.STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.NOBLE MATHEW

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY, J.

Criminal R.P.No.562 OF 1999 (C)

Dated this the 24th day of September, 2007

O R D E R

The revision Petitioner was convicted for the offences punishable under Sections 447, 323 and 506 of the Indian Penal Code and he was released on probation of good conduct under Section 3 of Probation of Offenders Act after due admonition. He was further directed to pay an amount of Rs.1,000/- each to the injured PWs.2 and 3. The above conviction and releasing him on probation was upheld by the appellate court (Sessions Court).

2. The prosecution alleged that at 3 p.m. on 2.1.1995, the accused/appellant trespassed into the courtyard of the house of PWs.2 and 3 and voluntarily caused hurt to them by beating them with hands and pushing them. He also intimidated them criminally. The main contention raised was that no independent witnesses was examined. The incident

happened inside the courtyard of PWs.2 and 3 and there are no other witnesses. Therefore non-examination of other independent witnesses is not a ground from acquitting the accused. PWs.2 and 3 are the injured persons. After seeing the demeanor of the witnesses, their deposition was accepted by the trial court and appellate court that there is no reason to interfere in the above findings by the revisional court. It is stated that PWs.2 and 3 were inimical to him as there was a dispute regarding the retaining of a document. Even if there is a dispute regarding the document wrongfully retained by PWs.2 and 3 that only proves the motive and that is not a reason for disbelieving PWs.2 and 3. Finally it was argued that PW1 did not noticed any bleeding injuries. Under Section 323 of IPC, it is not necessary that there should be bleeding injuries. PW1 doctor stated in confirmation with the allegations of PWs.2 and 3. Even according to PWs.2 and 3 there was no external injuries. Doctor examined PWs.2 and 3 injured and issued Exts.P1 and P2. Ext.P3 is the F.I. Statement lodged by PW2 before the police. PW4 is the attester to Ext.P4 scene mahazer and PW5 is the Sub Inspector who verified investigation of PW6

Head Constable and laid charge sheet and PW6 recorded Ext.P3 F.I. Statement. After going through the entire evidence, the trial court convicted and appellate court also confirmed the same. Of course he was released on probation of good conduct under Section 3 of Probation of Offenders Act and also directed to pay an amount of Rs.1,000/- each to the injured. It is also submitted that the amount was already deposited. The above conviction and sentence was upheld by the appellate court after re-appreciate the evidence in detail. Considering the evidence adduced in this case, I am of the opinion that no interference is required in the concurrent orders passed by the court below. Hence this revision petition is dismissed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.R.P.562 OF 1999 (C)

O R D E R

24th September, 2007